

tein, fat, and total solids, had been substituted for cultured buttermilk, which the article purported to be.

On June 28, 1932, the case came on for hearing before the court on a plea of nolo contendere entered on behalf of the defendant company. The court adjudged the defendant company guilty and imposed a fine of \$200 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19797. Misbranding of puree of apricots. U. S. v. Harold H. Clapp (Inc.).**  
**Plea of guilty. Fine, \$50. (F. & D. No. 26613. I. S. No. 15787.)**

This action was based on the interstate shipment of a quantity of a product, labeled puree of apricots, samples of which were found to contain added sulphur dioxide.

On September 14, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Harold H. Clapp (Inc.), Rochester, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about January 1 and January 15, 1931, from the State of New York into the State of Massachusetts, of a quantity of puree of apricots that were misbranded. The article was labeled in part: "Clapp's Original Puree of Apricots Approved Brand Baby Products. Mfg'd by Harold H. Clapp Inc. Rochester, N. Y. U.S.A."

It was alleged in the information that the article was misbranded in that the statement "Puree of Apricots," borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was puree made from fresh apricots; whereas it was not, but was a product made from dried apricots containing added undeclared sulphur dioxide. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19798. Adulteration and misbranding of butter. U. S. v. 51 Cases of Butter.**  
**Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (5522-A. F. & D. No. 28398.)**

This action involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On or about May 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Sanitary Butter Co., from Clinton, Iowa, in part on or about May 7, 1932, and in part on or about May 9, 1932, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunlight Creamery Butter. The Cudahy Packing Co., Distributors."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with the said article, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On May 31, 1932, the Cudahy Packing Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws

HENRY A. WALLACE, *Secretary of Agriculture.*